

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: David Guzman-Lebron

Docket Number: 12-00061-001

PACTS Number: 55158

Name of Sentencing Judicial Officer: HONORABLE JAY A. GARCIA-GREGORY
UNITED STATES DISTRICT JUDGE

Name of Assigned Judicial Officer: HONORABLE JOSE L. LINARES
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 06/25/2003

Original Offense: AIDING AND ABETTING IN THE IMPORTATION OF HEROIN

Original Sentence: 110 months imprisonment; 4 years supervised release.

Type of Supervision: supervised release

Date Supervision Commenced: 09/03/10

Assistant U.S. Attorney: Carmen Marquez, Chardon Tower, Suite 1201, 350 Carlos Chardon Avenue, San Juan, Puerto Rico 00918, (787) 766-5656

Defense Attorney: Maria T. Arsuaga, Patio Gallery Building, 241 Franklin D. Roosevelt Avenue, Hato Rey, Puerto Rico 00918-2441, (787) 281-4922

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

- 1 The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'

On September 13, 2011, the offender was arrested by the Bergen County Prosecutor's Office for the following charges: Possession with Intent to Distribute Cocaine (over 5 oz.), 1st Degree and Knowingly or Purposely Possessing a Firearm While in the Course of Possessing with the Intent to Distribute a Controlled Dangerous Substance, Namely Cocaine (of 5 oz. or more).

2

The offender has violated the standard supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

The offender has provided the undersigned with false information. Specifically, the offender has been untruthful regarding his employment. Since September 2011, the offender has reported working for a janitorial company, "Clean Swift." The undersigned had instructed him to provide verification of such, which he did not provide until November 17, 2011, claiming he has been a "managing member" of the company since July 2011. Further, his boss, and CEO of the company was listed as Omar Rios.

When the undersigned later informed the offender that I was aware that his "boss" was his co-defendant in the above-stated charges, the offender stated that he had not spoken to him in two months. Therefore, the offender could not have been working for such company. In addition, it was learned that the verification documents the offender presented to the undersigned on November 17, 2011, had been in his possession since September 2011. Also, the offender failed to inform the undersigned he was in training at the WalMart store located in Kearny, New Jersey.

3

The offender has violated the standard supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

The offender has used an illegal substance, specifically, on December 8, 2011, he tested positive for heroin.

I declare under penalty of perjury that the foregoing is true and correct.

Susan E. Karlak
By: Susan Karlak
Senior U.S. Probation Officer
Date: 2/16/12 *2/16*

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
☒ The Issuance of a Summons. Date of Hearing: *3/19/2012 at 10:00 am*
☐ No Action
☐ Other

[Signature]

Signature of Judicial Officer

2/17/12

Date